

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **August 10, 2004, Work Session**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR:

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Keep Lynchburg Beautiful Commission Request for Reorganization**

### RECOMMENDATION:

Consider a request from the Keep Lynchburg Beautiful Commission for reorganization. If the request is approved, then appointments to the Commission can be considered by City Council in September. The elimination of term limits is not recommended.

### SUMMARY:

The Keep Lynchburg Beautiful Commission (KLBC) was established in August 1967 to plan and coordinate the City's beautification efforts, promote cooperation among public and private citizens and organizations, conceive and receive ideas for projects, and follow through primarily with private funds. Over the years there have been changes made to KLBC, the most recent being in March 1994 when the Commission assumed responsibility for soliciting donations for the Lynchburg Expressway construction project.

KLBC members have been meeting over the past year to determine the future of the Commission and has developed a Mission Statement that reads, "It is the mission of the Keep Lynchburg Beautiful Commission (1) to plan, direct and coordinate a Lynchburg beautification program with continuing emphasis on the need to keep Lynchburg attractive and a beautiful place for its citizens and visitors; (2) to promote cooperation between public and private interests in meeting this goal; and (3) to call upon all interested citizens, civic groups and businesses to assist in developing a plan of action and in carrying it out."

To help them carry out their mission statement, KLBC is requesting reorganization of the Commission as follows: (1) that the number of members is reduced to a maximum of 15; (2) that the term limits be removed; (3) that City Council appoint certain members with offices as designated; and (4) that the address be changed to 800 Orchard Street. In 1994, City Council agreed to allow citizens of the City of Lynchburg and/or the area served by Region 2000 to serve on KLBC. Removal of term limits would be in conflict with the resolution adopted by City Council in 1979 limiting to three the number of terms that an individual can serve on a board/commission. In addition, the individuals named in the May 14 letter have been asked to submit a new application form.

### PRIOR ACTION(S):

None

### BUDGET IMPACT:

None

### CONTACT(S):

B. G. Fewell 832-2135

### ATTACHMENT(S):

- Resolution
- May 14, 2004 Letter
- March 8, 1994 Council report/resolution

### REVIEWED BY: lkp

# A RESOLUTION REESTABLISHING THE KEEP LYNCHBURG BEAUTIFUL COMMISSION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That there is hereby reestablished a Keep Lynchburg Beautiful Commission which is an agency of the City of Lynchburg;
2. That the Commission shall ~~consist of twenty-nine (29)~~ be limited to fifteen (15) citizens of the City of Lynchburg and/or the area served by Region 2000 to be appointed by the Mayor and the members of the Commission are directly accountable to the City;
3. That there shall be a Chairman and Vice Chairman of the Commission to be elected from the membership and a Secretary who may or may not be a member of the Commission;
4. That the purpose of the Commission shall be to ~~plan, direct~~ serve in an advisory capacity and coordinate a Lynchburg beautification program with continuing emphasis on the need to keep Lynchburg attractive and a beautiful place for its citizens and visitors, and to promote cooperation between public and private interests in meeting this goal, and ~~particularly to call upon~~ to work with all interested citizens and civic groups to assist in developing in the capacity of advising a plan of action and carrying it out;
5. That the Commission is authorized to engage in fund raising activities on behalf of the City in order to accomplish the purposes set forth in paragraph 4. of this resolution and the Commission is further authorized to make disbursements in order to accomplish these purposes. All disbursements and expenditures by the Commission are subject to the approval of the City.
6. The Commission shall keep accurate and complete records of all its receipts and disbursements and the City shall have the right to inspect such records at all times. Each year the Commission shall file a financial report with the City setting forth its gross receipts and all disbursements and expenditures for the year.
7. Upon the dissolution of the Commission, all assets, funds on hand, and all accounts receivable shall be immediately transferred to the City.
8. The City Council, by resolution, ratifies any and all organizational and operational documents (charters, by-laws, etc.) of the Commission. Further, the City Council shall have any and all powers relative to the Commission that are necessary for the Commission to be deemed a governmental unit and/or political division within the meaning of the Internal Revenue Code Sections 115, 170(c-1) and the rules and regulations thereunder; and
9. That the Commission shall hold regular meetings and preferably not less than ~~ten a year~~ four (4) or quarterly.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council



# Keep Lynchburg Beautiful Commission

P. O. BOX 60, LYNCHBURG, VIRGINIA 24505

May 14, 2004

The City of Lynchburg  
City Council  
900 Church Street  
Lynchburg, VA 24505

Re: Keep Lynchburg Beautiful Commission

To: Members of the City Council

The Keep Lynchburg Beautiful Commission is requesting reorganization effective June 1, 2004 with the following changes:

We respectfully request that the number of members be reduced to a maximum of 15.

We respectfully request that the term limits be removed.

Please recognize and approve the attached list of members as current with officers as designated.

We respectfully request that our address be changed to: 800 Orchard Street, 24501

Please advise your approval to my attention c/o of the new address. Thank you for your attention to this request.

Sincerely,

BG Fewell, Chair

Keep Lynchburg Beautiful Commission

**RECEIVED**

**MAY 18 2004**

ADMINISTRATIVE SERVICES

Keep Lynchburg Beautiful Commission Roster  
March 2004

Ms. Diana Fewell, Chairman  
P.O. box 492  
Concord, VA 24538

Mr. Herman R. Schenkel, Vice Chairman  
2855 Link Road  
Lynchburg, VA 24503

Mrs. Shirley P. Green, Treasurer  
1035 Dandridge Drive  
Lynchburg, VA 24501

Mrs. Robert W. Massie, Secretary  
1515 Lexington Drive  
Lynchburg, VA 24503

Ms. Linda G. Giles  
1533 Langhorne Road  
Lynchburg, VA 24503

Ms. Juanita Glenn  
18 Riverview Place  
Lynchburg, VA 24503

Mr. John Marsh  
3707 Nicholas St.  
Lynchburg, VA 24502

Mr. Wendell S. Walker  
2421 Old Forest Road  
Lynchburg, VA 24501

## LYNCHBURG CITY COUNCIL REPORT

MEETING DATE: March 8, 1994REPORT NUMBER: 16

SYNOPSIS In Fall 1992 City Council approved the reconstruction of the Expressway; and included within the discussion of that project were plans for the re-landscaping of this highway with full funding via private donations. In support of this effort, the Keep Lynchburg Beautiful Commission (KLBC) agreed to assume responsibility for soliciting such donations.

While private contributions and donations to political subdivisions are generally tax-deductible, the U.S. Internal Revenue Service requires boards and commissions to satisfy additional "tests" in order to maintain such tax deductibility. Compliance with these requirements necessitates amendment/ reenactment of the original resolution which established the Keep Lynchburg Beautiful Commission; and the Commission concurs with these adjustments. The Physical Development Committee has reviewed this matter, and the attached resolution is presented for Council consideration.

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REQUIRED ACTION

Consideration of adopting the attached resolution

B-67

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BACKGROUND

In accordance with the regulations of the U.S. Internal Revenue Service, the resolution which establishes the Keep Lynchburg Beautiful Commission (KLBC) must include the following provisions:

(a) City Council must act by resolution to ratify any and all organizational and operational documentation (charter, bylaws, etcetera) of the Commission;

(b) The Commission must be financially accountable to City Council including requirements for both an annual financial report to Council and the right of Council to inspect the Commission's books/records;

(c) City Council maintains the right to direct the manner of expenditure for the Commission's funds including Council retention of absolute veto power over any Commission project or expenditure; and

(d) Should the Commission be dissolved, any excess funds would be reverted to City Council.

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2. That the Commission shall consist of twenty-nine (29) citizens of the City of Lynchburg to be appointed by the Mayor and the members of the Commission are directly accountable to the City;
3. That there shall be a Chairman and Vice Chairman of the Commission to be elected from the membership and a Secretary who may or may not be a member of the Commission;
4. That the purpose of the Commission shall be to plan, direct and coordinate a Lynchburg beautification program with continuing emphasis on the need to keep Lynchburg attractive and a beautiful place for its citizens and visitors, and to promote cooperation between public and private interests in meeting this goal, and particularly to call upon all interested citizens and civic groups to assist in developing a plan of action and in carrying it out;
5. That the Commission is authorized to engage in fund raising activities on behalf of the City in order to accomplish the purposes set forth in paragraph 5. of this resolution and Commission is further authorized to make disbursements in order to accomplish these purposes. All disbursements and expenditures by the Commission are subject to the approval of the City.
6. The Commission shall keep arcuate and complete records of all its receipts and disbursements and the City shall have the right to inspect such records at all times. Each year the Commission shall file a financial report with the City setting forth its gross receipts and all disbursements and expenditures for the year.
7. Upon the dissolution of the Commission all assets, funds on hand, and all accounts receivable shall be immediately transferred to the City.
8. The City Council, by resolution ratify any and all organizational and operational documents (charters, by-laws, etc.) of the Commission. Further, the City Council shall have any and all powers relative to the Commission that are necessary for the Commission to be deemed a governmental unit and/or political division within the meaning of Internal Revenue Code Sections 115, 170(c)(1) and the rules and regulations thereunder; and
9. That the Commission shall hold regular meetings and preferably not less than ten (10) a year.

Adopted: March 8, 1994

Certified:

*Patricia W. Kest*  
Clerk of Council

B-67.1

cc: *[initials]*  
D. A. Anthony  
J. P. Stephens  
R. A. Booth  
M. W. Hill